

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2537

Introduced by Assembly Member O'Donnell
(Coauthor: Assembly Member Olsen)
(Coauthor: Senator Pavley)

February 19, 2016

An act to amend and repeal Section 48204 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2537, as amended, O'Donnell. ~~Pupils.~~ *Pupils: school attendance: residency requirements.*

Existing law provides that a pupil is deemed to have complied with the residency requirements for school attendance in a school district if the pupil satisfies one of the specified requirements. Until July 1, 2017, existing law authorizes a school district within the boundaries of which at least one parent or the legal guardian of a pupil is physically employed for a minimum of 10 hours during the school week to allow that pupil to attend a school in that school district through grade 12 if the parent or legal guardian of the pupil so chooses and if the parent or legal guardian of the pupil continues to be physically employed by an employer situated within the attendance boundaries of the school district.

This bill would indefinitely extend the operation of the provision authorizing the school district within the boundaries of which a parent or legal guardian of a pupil is physically employed for a minimum of 10 hours during the school week to allow that pupil to attend a school in that school district.

~~Existing law requires each person between the ages of 6 and 18 years not exempted under specific provisions to be subject to compulsory full-time education.~~

~~This bill would express the intent of the Legislature to enact legislation relating to pupils in kindergarten and any of grades 1 to 12, inclusive.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 48204 of the Education Code, as amended*
2 *by Section 1.5 of Chapter 554 of the Statutes of 2015, is amended*
3 *to read:*

4 48204. (a) Notwithstanding Section 48200, a pupil complies
5 with the residency requirements for school attendance in a school
6 district, if he or she is any of the following:

7 (1) (A) A pupil placed within the boundaries of that school
8 district in a regularly established licensed children's institution,
9 or a licensed foster home, or a family home pursuant to a
10 commitment or placement under Chapter 2 (commencing with
11 Section 200) of Part 1 of Division 2 of the Welfare and Institutions
12 Code.

13 (B) An agency placing a pupil in a home or institution described
14 in subparagraph (A) shall provide evidence to the school that the
15 placement or commitment is pursuant to law.

16 (2) A pupil who is a foster child who remains in his or her school
17 of origin pursuant to subdivisions (f) and (g) of Section 48853.5.

18 (3) A pupil for whom interdistrict attendance has been approved
19 pursuant to Chapter 5 (commencing with Section 46600) of Part
20 26.

21 (4) A pupil whose residence is located within the boundaries of
22 that school district and whose parent or legal guardian is relieved
23 of responsibility, control, and authority through emancipation.

24 (5) A pupil who lives in the home of a caregiving adult that is
25 located within the boundaries of that school district. Execution of
26 an affidavit under penalty of perjury pursuant to Part 1.5
27 (commencing with Section 6550) of Division 11 of the Family
28 Code by the caregiving adult is a sufficient basis for a
29 determination that the pupil lives in the home of the caregiver,

1 unless the school district determines from actual facts that the pupil
2 is not living in the home of the caregiver.

3 (6) A pupil residing in a state hospital located within the
4 boundaries of that school district.

5 (7) A pupil whose parent or legal guardian resides outside of
6 the boundaries of that school district but is employed and lives
7 with the pupil at the place of his or her employment within the
8 boundaries of the school district for a minimum of three days
9 during the school week.

10 (b) (1) A school district may deem a pupil to have complied
11 with the residency requirements for school attendance in the school
12 district if at least one parent or the legal guardian of the pupil is
13 physically employed within the boundaries of that school district
14 for a minimum of 10 hours during the school week.

15 ~~(1)~~

16 (2) This subdivision does not require the school district within
17 which at least one parent or the legal guardian of a pupil is
18 employed to admit the pupil to its schools. A school district shall
19 not, however, refuse to admit a pupil under this subdivision on the
20 basis, except as expressly provided in this subdivision, of race,
21 ethnicity, sex, parental income, scholastic achievement, or any
22 other arbitrary consideration.

23 ~~(2)~~

24 (3) The school district in which the residency of either the
25 parents or the legal guardian of the pupil is established, or the
26 school district to which the pupil is to be transferred under this
27 subdivision, may prohibit the transfer of the pupil under this
28 subdivision if the governing board of the school district determines
29 that the transfer would negatively impact the court-ordered or
30 voluntary desegregation plan of the school district.

31 ~~(3)~~

32 (4) The school district to which the pupil is to be transferred
33 under this subdivision may prohibit the transfer of the pupil if the
34 school district determines that the additional cost of educating the
35 pupil would exceed the amount of additional state aid received as
36 a result of the transfer.

37 ~~(4)~~

38 (5) The governing board of a school district that prohibits the
39 transfer of a pupil pursuant to paragraph ~~(1), (2), or (3)~~ (2), (3), or
40 (4) is encouraged to identify, and communicate in writing to the

1 parents or the legal guardian of the pupil, the specific reasons for
2 that determination and is encouraged to ensure that the
3 determination, and the specific reasons for the determination, are
4 accurately recorded in the minutes of the board meeting in which
5 the determination was made.

6 ~~(5)~~

7 (6) The average daily attendance for pupils admitted pursuant
8 to this subdivision is calculated pursuant to Section 46607.

9 ~~(6)~~

10 (7) Unless approved by the sending school district, this
11 subdivision does not authorize a net transfer of pupils out of a
12 school district, calculated as the difference between the number
13 of pupils exiting the school district and the number of pupils
14 entering the school district, in a fiscal year in excess of the
15 following amounts:

16 (A) For a school district with an average daily attendance for
17 that fiscal year of less than 501, 5 percent of the average daily
18 attendance of the school district.

19 (B) For a school district with an average daily attendance for
20 that fiscal year of 501 or more, but less than 2,501, 3 percent of
21 the average daily attendance of the school district or 25 pupils,
22 whichever amount is greater.

23 (C) For a school district with an average daily attendance of
24 2,501 or more, 1 percent of the average daily attendance of the
25 school district or 75 pupils, whichever amount is greater.

26 ~~(7)~~

27 (8) Once a pupil is deemed to have complied with the residency
28 requirements for school attendance pursuant to this subdivision
29 and is enrolled in a school in a school district the boundaries of
30 which include the location where at least one parent or the legal
31 guardian of a pupil is physically employed, the pupil does not have
32 to reapply in the next school year to attend a school within that
33 school district and the governing board of the school district shall
34 allow the pupil to attend school through grade 12 in that school
35 district if the parent or legal guardian so chooses and if at least
36 one parent or the legal guardian of the pupil continues to be
37 physically employed by an employer situated within the attendance
38 boundaries of the school district, subject to paragraphs ~~(1) to (6)~~,
39 (2) to (7), inclusive.

1 ~~(e) This section shall become inoperative on July 1, 2017, and~~
2 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
3 ~~that becomes operative on or before January 1, 2018, deletes or~~
4 ~~extends the dates on which it becomes inoperative and is repealed.~~

5 ~~SEC. 2. Section 48204 of the Education Code, as amended by~~
6 ~~Section 2.5 of Chapter 554 of the Statutes of 2015, is repealed.~~

7 ~~48204. (a) Notwithstanding Section 48200, a pupil complies~~
8 ~~with the residency requirements for school attendance in a school~~
9 ~~district, if he or she is:~~

10 ~~(1) (A) A pupil placed within the boundaries of that school~~
11 ~~district in a regularly established licensed children's institution,~~
12 ~~or a licensed foster home, or a family home pursuant to a~~
13 ~~commitment or placement under Chapter 2 (commencing with~~
14 ~~Section 200) of Part 1 of Division 2 of the Welfare and Institutions~~
15 ~~Code.~~

16 ~~(B) An agency placing a pupil in the home or institution~~
17 ~~described in subparagraph (A) shall provide evidence to the school~~
18 ~~that the placement or commitment is pursuant to law.~~

19 ~~(2) A pupil who is a foster child who remains in his or her school~~
20 ~~of origin pursuant to subdivisions (f) and (g) of Section 48853.5.~~

21 ~~(3) A pupil for whom interdistrict attendance has been approved~~
22 ~~pursuant to Chapter 5 (commencing with Section 46600) of Part~~
23 ~~26.~~

24 ~~(4) A pupil whose residence is located within the boundaries of~~
25 ~~that school district and whose parent or legal guardian is relieved~~
26 ~~of responsibility, control, and authority through emancipation.~~

27 ~~(5) A pupil who lives in the home of a caregiving adult that is~~
28 ~~located within the boundaries of that school district. Execution of~~
29 ~~an affidavit under penalty of perjury pursuant to Part 1.5~~
30 ~~(commencing with Section 6550) of Division 11 of the Family~~
31 ~~Code by the caregiving adult is a sufficient basis for a~~
32 ~~determination that the pupil lives in the home of the caregiver,~~
33 ~~unless the school district determines from actual facts that the pupil~~
34 ~~is not living in the home of the caregiver.~~

35 ~~(6) A pupil residing in a state hospital located within the~~
36 ~~boundaries of that school district.~~

37 ~~(7) A pupil whose parent or legal guardian resides outside of~~
38 ~~the boundaries of that school district but is employed and lives~~
39 ~~with the pupil at the place of his or her employment within the~~

1 ~~boundaries of the school district for a minimum of three days~~
2 ~~during the school week.~~
3 ~~(b) This section shall become operative on July 1, 2017.~~
4 ~~SECTION 1. It is the intent of the Legislature to enact~~
5 ~~legislation relating to pupils in kindergarten and any of grades 1~~
6 ~~to 12, inclusive.~~